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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,726	11/29/2001	Andrew William Hull	PN01002AA/10-34	1851
51874	7590	06/06/2005	EXAMINER	
LAW OFFICES OF CHARLES W. BETHARDS, LLP P.O. BOX 1622 COLLEYVILLE, TX 76034			LE, LANA N	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/995,726	Applicant(s) HULL, ANDREW WILLIAM	
	Examiner Lana N Le	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 18 is objected to because of the following informalities: the "step of programming" should be "step of providing" to correspond to antecedent basis for claim 19. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Sallinen et al (US 6,807,417).

Regarding claim 1, Sallinen et al disclose a method of connecting service acquisition in a wireless local area network device, the method including the steps of:

determining a parameter (location, time, etc.) that corresponds to a present environment for the WLAN device (col 2, lines 23-26);

comparing said parameter to a predetermined value (predetermined visitor number) to provide a comparison, said predetermined value defining, in part an environment (location) where service for the WLAN device is desirable, the service provided from a second WLAN device (col 2, line 63 - col 3, line 3; col 4, lines 59-67);

analyzing said comparison according to a rule (visitor access requirement) to provide a decision (col 2, line 63 - col 3, line 3; col 4, lines 59-67);

enabling a service acquisition mode when the decision is favorable (allowing connection to a local service if the call attempt meets the visitor access requirement; col 4, lines 59-67); and

foregoing said service acquisition mode when the decision is unfavorable (not authorizing connection to a local service if the call attempt does not meet the visitor access requirement col 4, lines 59-67).

Regarding claim 2, Sallinen et al disclose the method of claim 1 wherein said step of determining a parameter includes determining a location of the WLAN device (col 2, lines 23-26, lines 55-58; col 5, lines 11-19).

Regarding claim 3, Sallinen et al disclose the method of claim 2 wherein said determining said location uses one of a cellular zone (location registration within a cell region), a global position system (GPS), and a signal strength measurement (col 3, lines 49-62; col 5, lines 11-19).

Regarding claim 4, Sallinen et al disclose the method of claim 1 wherein determining a time (time at connection attempt) the WLAN device (col 2, lines 23-26, lines 55-58).

Regarding claim 5, Sallinen et al disclose the method of claim 1 wherein Sallinen et al disclose said step of determining a parameter includes determining a state (identity of a known WLAN device) relevant to the WLAN device (col 2, lines 23-26).

Regarding claim 6, Sallinen et al further disclose the method of claim 5 where the determining the state includes one of detecting a need for service (attempt to acquire service connection) and a reference to a schedule database (HLR, VLR; col 3, lines 54-col 4, line 16).

Regarding claim 7, Sallinen et al disclose the method of claim 1 wherein the step of determining a parameter includes determining a combination (location and/or other information) of location, time, and state for the device (col 2, lines 23-26).

Regarding claim 8, Sallinen et al further disclose the method of claim 1 further including a step of providing the predetermined value (predetermined visitor criterion) for the WLAN device (col 2, lines 23-26).

Regarding claim 10, Palmer et al further discloses the method of claim 8 wherein providing the predetermined value includes memorizing (within VLR and HLR) one of a location, time, and state when service has been acquired (col 3, lines 54-col 4, line 16).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, and 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sallinen et al (US 6,807,417) in view of Amitay et al (US 5,684,801).

Regarding claim 9, Sallinen et al further discloses the method of claim 8 wherein Sallinen et al do not disclose providing the predetermined value includes programming the WLAN device with one of a location, time, and state. Amitay et al disclose: providing the predetermined value includes programming the WLAN device with one of a location, time, and state (col 4, lines 47-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to program the WLAN device in order to lessen the need for the network element to calculate the location, time and state of the mobile to provide faster service access.

Regarding claim 11, Sallinen et al disclose a WLAN device arranged and constructed to control service acquisition comprising in combination:

a user input output (I/O) (user interface 1; fig. 1) for interacting with a user;

determining a parameter (location, time, etc.) that corresponds to a present environment for the WLAN device (col 2, lines 23-26);

comparing said parameter to a predetermined value (predetermined visitor number) to provide a comparison, said predetermined value defining, in part an environment (location) where service for the WLAN device is desirable, the service provided from a second WLAN device (col 2, line 63 - col 3, line 3; col 4, lines 59-67);

analyzing said comparison according to a rule (visitor access requirement) to provide a decision (col 2, line 63 - col 3, line 3; col 4, lines 59-67);

enabling a service acquisition mode when the decision is favorable wherein the service acquisition mode facilitates coupling to the second WLAN device (allowing connection to a local service if the call attempt meets the visitor access requirement; col 4, lines 59-67); and

foregoing said service acquisition mode when the decision is unfavorable (not authorizing connection to a local service if the call attempt does not meet the visitor access requirement col 4, lines 59-67).

However, Sallinen et al do not disclose:

a transceiver for coupling to a second WLAN device;

a controller, couple to said user (I/O) and said transceiver, for deciding whether said transceiver will enter a service acquisition mode thereby coupling to said second WLAN device.

Amitay et al disclose: a transceiver (RF modem 306) for coupling to a second WLAN device (101) (col 4, lines 30-46); a controller (302, 305), couple to said user (I/O) and

Art Unit: 2685

said transceiver (306), for deciding whether said transceiver will enter a service acquisition mode thereby coupling to said second WLAN device (101) (col 3, line 40 – col 4, line 62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a transceiver and controller within the WLAN device in order to communicate with the other devices in the local area network and allow the WLAN device to compute information for the WLAN device.

Regarding claim 12, Sallinen et al and Amitay et al disclose the WLAN device of claim 11, wherein Sallinen et al disclose the step of determining a parameter includes determining a location of the WLAN device (col 2, lines 23-26, lines 55-58; col 5, lines 11-19).

Regarding claim 13, Sallinen et al and Amitay et al disclose the WLAN device of claim 12 wherein Sallinen et al disclose the determining said location uses one of cellular zone ID (location registration within a cell region), a global position system (GPS), and a signal strength measurement (col 3, lines 49-62; col 5, lines 11-19).

Regarding claim 14, Sallinen et al and Amitay et al the WLAN device of claim 11 wherein Sallinen et al disclose said step of determining a parameter includes determining a time (time at connection attempt) the WLAN device (col 2, lines 23-26, lines 55-58).

Regarding claim 15, Sallinen et al and Amitay et al disclose the WLAN device of claim 11, wherein Sallinen et al disclose the WLAN device of claim 11 wherein said step of determining a parameter includes determining a state (identity of a known WLAN device) relevant to the WLAN device (col 2, lines 23-26).

Regarding claim 16, Sallinen et al and Amitay et al disclose the WLAN device of claim 15, wherein Sallinen et al disclose the WLAN device of claim 15 wherein said determining said state includes one of detecting a need for service (attempt to acquire service connection) and a reference to a schedule database (HLR, VLR; col 3, lines 54-col 4, line 16).

Regarding claim 17, Sallinen et al and Amitay et al disclose the WLAN device of claim 11, wherein Sallinen et al disclose the WLAN device of claim 11 wherein the step of determining a parameter includes determining a combination (location and/or other information) of location, time, and state for the device (col 2, lines 23-26).

Regarding claim 18, Sallinen et al and Amitay et al disclose the WLAN device of claim 11, wherein Sallinen et al disclose the WLAN device of claim 1 further including a step of providing said predetermined value value (predetermined visitor criterion) for the WLAN device (col 2, lines 23-26).

Regarding claim 19, Sallinen et al and Amitay et al disclose the WLAN device of claim 18, wherein Amitay et al disclose the WLAN device of claim 18 wherein providing said predetermined value includes programming the WLAN device with one of a location, time, and state (col 4, lines 47-57).

Regarding claim 20, Sallinen et al and Amitay et al disclose the WLAN device of claim 18 wherein Sallinen et al disclose providing said predetermined value includes memorizing (within VLR and HLR) one of a location, time, and state when service has been acquired (col 3, line 54 - col 4, line 16).

Regarding claim 21, Sallinen et al and Amitay et al disclose the WLAN device of claim 11, wherein Sallinen et al disclose arranged and constructed to operate within one of a Bluetooth, 802.11, and Home RF based wireless WLAN (col 3, lines 38-43).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lana Le

May 30, 2005